Supreme Court, U.S.
FILED
MAY 18 2009
OFFICE OF THE CLERK

No. : 08-1354

In the

Supreme Court of the United States

ANN M. DESALVO,

Petitioner,

v.

JOACHIM J. VOLHARD, CAROL KAISER, JOSEPH G. MEDICIS, SOCIAL SECURITY ADMINISTRATION, JOANNE B. BARNHART, COMMISSIONER, CAROLYN BURIAN, SSA EEO COUNSEL FOR THE SOCIAL SECURITY ADMINISTRATION, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC), CARLTON HADDEN, DIRECTOR, KEVIN J. BERRY, ADMINISTRATIVE JUDGE, EEOC,

Respondents.

SUPPLEMENTAL PETITION FOR A WRIT OF CERTIORARI

ANN M. DESALVO
Petitioner Pro Se
3700 Hayes Road
Baldwinsville, New York 13027
(315) 652-5429

May 2009

DICK BAILEY SERVICE (212) 608-7666 (718) 522-4363 (516) 222-2470 (914) 682-0848 Fax (718) 522-4024
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LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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Proof of Training Completed at OHA 6a

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that Writ of Certiorari issue to review the Judgment below.

JURISDICTION

(x) Case from Federal Courts:

The date on which the United States Court of Appeals decided my case was February 26, 2009.

(x) A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 2, 2009, and a copy of the order denying rehearing appears at Appendix A.

The Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

SUPPLEMENT TO STATEMENT OF THE CASE #3 IN PETITION FOR WRIT OF CERTIORARI

This is to submit proof found on May 5, 2009 that I applied for Legal Assistant, GS-6/7/8 with SSA, OHA in Syracuse, New York both in October, 1995 and again in January 1996 under an Open Continuous Announcement. My 1995 applications were accepted for both Hearing Office Clerk (OA), GS-4/5/6 and Legal Assistant, GS-6/7/8; then were returned with my application for Paralegal Specialist, GS-7/9/11. They said that they were not accepting applications. In January, 1996, I resubmitted the applications for Hearing Office Clerk (OA), GS-4/5/6, Legal Assistant, GS-6/7/8, and Paralegal Specialist, GS-7/9/11. The applications were not returned to me. I only received an Application Acknowledgement from them for Legal Assistant GS-6/7/8 signed by SSA Region II, New York representative on 2/2/96 (Appendix E). In Petition for Writ of Certiorari, Appendix B (19a) Judge Norman A. Mordue states that I did not apply for any other promotion or advancement other than Hearing Office Clerk on 10/12/95. Also in the Court of Appeals Summary Order (Appendix A (5a)) they also stated that I only applied for one promotion. The Application Acknowledgement signed by SSA Region II in New York proves that they are in error.

In Appendix F I submit proof found May 5, 2009 that I completed Advanced Training in December 1995 for Legal Assistants and Hearing Office Clerks. Also, included is a certificate from the Department of Health and Human Services, Social

Security Administration, for successful completion of Introduction To Personal Computers / Disk Operating System and Word Perfect (Basic and Advanced), showing Carol A. Kaiser, HOM, dated January 19, 1996. This is further proof that Carol Kaiser deliberately discriminated against me by not promoting or reassigning me to a Full-time higher grade level position; lying that I did not complete the necessary computer training and that I did not apply for Legal Assistant, GS-6/7/8 or Paralegal Specialist, GS-7/9/11.

REASONS FOR GRANTING THE PETITION

In addition to the reasons given in my Petition for a Writ of Certiorari, I believe the public, as well as other federal employees need to know that even the Social Security Administration, an agency that especially should protect the aged, is abusing their power by purposely allowing their agency officials to discriminate and abuse employees because of their age or their being too religious to suit them.

CONCLUSION

I respectfully beg the Supreme Court to reverse the judgments issued by the lower courts, with a finding in favor of the Petitioner and award the following relief:

1) Credit me with 10 years of full-time service with SSA, OHA at the GS-11 (Step 2) grade level pay rate at the time of settlement. Add these years to my total federal pension through OPM at the GS-11 (Step 2) grade level pay rate at the time of settlement.

2) Award me an amount equal to the lost earnings for full-time, GS-11 (Step 2) for 10 years.

3) I pray that the Supreme Court also award me punitive damages for my extreme pain and suffering, including getting the shingles (twice), knowing I almost died the first time I got them; also getting a hiatal hernia and high blood pressure. All this was caused by the constant discrimination, harassment, intimidation, ridicule, humiliation and intolerable work conditions purposely imposed on me by the Defendant-Appellees; or,
If the court does not feel that it would be justified by the facts in so doing, that it should allow me a fair and impartial trial before an unprejudiced jury, on proper evidence and under correct instructions as the law may deem just and proper.

The Petition for a Writ of Certiorari should be granted.

Dated: May 15, 2009

Respectfully submitted,

_____

Ann M. DeSalvo

Department of Health and Human Services
Region II, New York
Application for Promotion or Reassignment

PERS 29
(Revised 12/8

317-964

Vacancy Announcement No RO-II- ~~OHA/HHA 95~~
Title of Announcement Legal Assistant
Series and Grade of Announcement GS- 6/7/8
Closing Date of Announcement ~~10/13/95~~ 2/7/96

If more than one grade appears on the vacancy announcement list the grades for which you are applying:

6/7/8

Name Ann DeSalvo
Your Title Office Automation Clerk
Your Organization and Duty Location:
Office of Hearings and Appeals
5th Floor, 100 S. Jefferson St.
Syracuse, N.Y. 13202-3520

If more than one duty location appears on the vacancy announcement, list the locations for which you are applying:

Syracuse, N.Y.

Office Phone Number (315) 423-5086
Your Current Grade GS- 4/5
Date You Received Current Grade 9/17/95
Date Hired By SSA 9/17/95

SUBMIT YOUR APPLICATION TO THE ADDRESS SHOWN IN THE ANNOUNCEMENT

PLEASE REMEMBER TO: (1) Attach a copy of your most recent appraisal (2) Include a copy of any appropriate test results and/or award notices (3) Provide all the information and forms required by the announcement and (4) Have your application on time. It must be received or postmarked no later than the closing date.

PRIVACY: This form is used to collect information needed to determine qualifications for promotion or reassignment. Omission of an item may preclude you from full consideration. This information may be furnished to the US Office of Personnel Management; a Federal, State or local agency investigating or prosecuting a violation or potential violation of law; or to congressional inquiry. Part 335 of Title 5 of the US code authorizes HHS to collect this information.

Signature Ann M. DeSalvo Date 1/29/96 ~~1/13/95~~

APPLICATION ACKNOWLEDGEMENT to be returned to you. Fill in your name and address.

Announcement No. _____
Position _____
Location _____

Name Ann DeSalvo
Address 3700 Hayes Rd.
Zip Code Baldwinsville, N.Y. 13027

Received by _____
Phone _____
Date _____

Keep this part for your records:

BEST AVAILABLE COPY

APPLICATION ACKNOWLEDGEMENT to be returned to you. Fill in your name and address.

Announcement #011 _____
Position _____
Location _____

Name Ann M. DESalvo
Address 3700 Hayes Road
Baldwinsville, N.Y.
Zip Code 13027

Received by D. Duggan
Phone Syracuse 457-2541
Date 9/9/76

Keep this part for your records.

Location Closing Date

United States
Government
Memorandum

Date: December 8, 1995

To: Legal Assistants and Hearing Office Clerks

From: Karen A. Paradiso
Supervisory Hearing Assistant

Subject: TRAINING

Due to the recent changes made in your position descriptions, training has been madated, which must be completed no later than DECEMBER 30, 1995. In addition to what is offered in the OHA Legal Assistant Training Manual and the Support Staff Training Manuel, a session will be held on Monday, December 18, 1995 beginning at 9:00 a.m. The proposed agenda is attached.

You will also be required to complete individual study programs in Phoenix. Namely:

Introduction to Time Management - ZITM1 ✓ Finished 12/19/95
Managing Time and Work - ZMTW1, and Completed 12/20/95
Managing Time With Coworkers - ZMTC1 ✓ Completed 12/19/95

Show Course should be completed before my next date

Training is also available on Phoenix Introduction to SSA. Instructions on accessing Phoenix on the Local Area Network (LAN) are attached.

Please advise me when you have completed these programs (remember, no later than DECEMBER 30, 1995).

I was told that all clerks and assistants were to complete the attached computer study programs on our own by the end of 1995 and when we finished, we were to notify Karen Paradiso.

On 12/14/95, I finished the study programs and notified Karen as I was told to do. I was told to leave a written note on her desk. I did.

Carol Kaiser made the comment — How did I find time to complete the study program when many other clerks in the office couldn't. I answered that when I am told to do something by the supervisor, I do it.

Karen,

I completed req. study program in Phoenix.

12/19/95

Ann DeStalvo

6a

Department of Health and Human Services

SOCIAL SECURITY ADMINISTRATION

THIS IS TO CERTIFY THAT

Ann M. DeSalvo

HAS SUCCESSFULLY COMPLETED

Introduction to Personal Computers / Disk Operating System

and

WordPerfect (Basic & Advanced)

January 19, 1996
Date

Carol A. Kaiser, HOM

United States
Government
Memorandum

Date: December 8, 1995

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From: Karen A. Paradiso
Supervisory Hearing Assistant

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Course should be completed by [illegible]

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Karen,

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12/19/95

Dan DeStabo

6a

Department of Health and Human Services

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